

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

FEB 10 2009

SAHIB QUIETMAN HENDERSON,)
)
Plaintiff,)
)
vs.)
)
JUSTIN JONES et al.,)
)
Defendants.)

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Y.H. DEPUTY

No. CIV-07-1174-W

ORDER

On January 7, 2009, United States Magistrate Judge Bana Roberts issued the Fifth Report and Recommendation in this matter and set forth therein various findings and recommendations with regard to certain pending motions filed by plaintiff Sahib Quietman Henderson. The parties were advised of their right to object, and this matter comes before the Court on Henderson's Objection and his Motion for Judicial Notice.

Upon de novo review of the record, the Court concurs with Magistrate Judge Roberts' suggested disposition of Henderson's motions that were referred to her, and accordingly,

(1) ADOPTS the Fifth Report and Recommendation [Doc. 92] issued on January 7, 2009;

(2) because the record fails to show "that there is no genuine issue as to any material fact and that . . . [Henderson] is entitled to judgment as a matter of law," Rule 56(c), F.R.Civ.P., DENIES Henderson's Motion for Summary Judgment [Doc. 84], as amended and supplemented by Henderson's submissions [Doc. 87, Doc. 89];

(3) DENIES Henderson's Motion to Amend [Doc. 85], wherein Henderson has argued that Stephens County should be joined as a party defendant pursuant to Rule 19, F.R.Civ.P.;

(4) DENIES Henderson's Motion to Amend [Doc. 86], wherein Henderson has argued that Joe Enos, District Judge for Stephens County, Oklahoma, should likewise be joined as a party defendant pursuant to Rule 19, supra;

(5) DENIES Henderson's Motion to Amend [Doc. 88], wherein Henderson has urged the Court to include as requested relief a hearing before Judge Enos in connection with Henderson's criminal conviction;

(6) because the Court considered Henderson's statements in his Motion for Judicial Notice [Doc. 97] with regard to the status of Henderson v. United States, No. 01-989-W, when the Court reviewed Henderson's arguments and objections to Magistrate Judge Roberts' Fifth Report and Recommendation; GRANTS Henderson's Motion for Judicial Notice [Doc. 97] to that limited extent; and

(7) the referral not having been terminated in this action, COMMITS this matter to Magistrate Judge Roberts for further proceedings.

ENTERED this 10th day of February, 2009.


LEE R. WEST
UNITED STATES DISTRICT JUDGE